Native Dispute Resolution Network

VISION

The Network is an established, self-sustaining, permanently funded and widely known referral and education resource composed of predominately Native practitioners, who build collaborative capacity through bridging Native and non-Native practices and cultures.

MISSION

Network members serve in multiple capacities to address environmental, natural resource, public/trust lands issues, and other issues in the future, where American Indians, Alaska Natives, Native Hawaiians, and federal agencies are primary parties, in order to foster healing and create sustainable relationships that yield high quality resolution of ongoing and/or potential conflicts between Native and non-Native people and improve the quality of outcomes for all involved.

The primary objectives of the Network are:

- Encourage collaborative dispute resolution and agreement seeking processes when appropriate in matters involving American Indians, Alaska Natives, Native Hawaiians, and federal agencies or interests.
- Broaden the diversity of the field of collaborative dispute resolution by establishing a network and information exchange for American Indian, Alaska Native, Hawaiian Native, and other practitioners who work with Native peoples.
- Foster a deeper understanding of underlying principles and practices of conflict resolution and share skills and expertise among Native and non-Native conflict resolution practitioners.
- Improve the ability of all parties to engage effectively in collaborative conflict resolution processes.

By:

- Providing an opportunity for the exchange of ideas and information between Native and non-Native practitioners working with Native communities.
- Fostering cross-training and skill enhancement opportunities (including mentoring and teaming) for Network members and others working with Native communities.
- Operating as a centralized information sharing, education, and referral service for Network members and those seeking member services.

March 2005

BACKGROUND

The U.S. Institute initiated the Native Network in response to input from a broad range of participants, sponsors, and leaders about the need to identify Native dispute resolution practitioners to assist with environmental conflict resolution processes involving Native people or communities.

BENEFITS OF BECOMING A NETWORK MEMBER

- **Referrals:** The Network is a resource for process participants and others seeking assistance with collaborative conflict resolution in situations involving American Indians, Alaska Natives, Native Hawaiians and environmental, natural resources, or public/trust lands issues. Practitioner members are the primary source for providing referrals.

- **Partnering/Teaming:** Network members are encouraged to work collaboratively with one another and with members of the Roster of ECR Practitioners on specific projects.

- **Cross Learning:** Member opportunities include training exchanges and networking.

- **Information and Idea Exchange:** Network members share information and exchange ideas through the Network listserv and other forums.

- **Engage with Others in the Network's Vision and Mission:** Join others who are committed to building collaborative capacity through bridging Native and non-Native practices and cultures, fostering healing, improved outcomes and sustainable relationship between Native and non-Native people.

ABOUT THE U.S. INSTITUTE

The U.S. Institute for Environmental Conflict Resolution is a federal program established by the U.S. Congress to assist parties in resolving environmental, natural resource, and public lands conflicts. The U.S. Institute is part of the Morris K. Udall Foundation, an independent federal agency of the executive branch overseen by a board of trustees appointed by the President. The U.S. Institute serves as an impartial, non-partisan institution providing professional expertise, services, and resources to all parties involved in such disputes, regardless of who initiates or pays for assistance. The U.S. Institute helps parties determine whether collaborative problem solving is appropriate for specific environmental conflicts, how and when to bring all the parties to the table, and whether a third-party facilitator or mediator might be helpful in assisting the parties in their efforts to reach consensus or to resolve the conflict. In addition, the U.S. Institute maintains a roster of qualified facilitators and mediators with substantial experience in environmental conflict resolution, and can help parties in selecting an appropriate neutral. (See www.ecr.gov for more information about the U.S. Institute.)

Your feedback about the Network is important to us as we continue to develop this resource. We welcome your input. Please direct your comments to:

Sarah Palmer, Senior Program Manager
U.S. Institute for Environmental Conflict Resolution
130 South Scott Avenue
Tucson, AZ 85701
Phone: 520-670-5655
Email: palmer@ecr.gov

USING THE NETWORK

The Network is a resource for everyone – individuals, agencies, and organizations seeking practitioners to assist with collaborative conflict resolution and planning related to a wide variety of situations. Examples include: government-to-government consultation involving environmental or cultural property issues, mediating the clean-up of a waste site, or assisted negotiations regarding inter-governmental natural resource issues. Network Members include American Indian, Alaska Native, Native Hawaiian and other practitioners who work with Native peoples. Network practitioner members have experience with environmental, natural resource and public/trust lands issues as well as experience resolving disputes involving Native people or communities.

BECOMING A NETWORK MEMBER

(Please review the following information before preparing and submitting your materials.)

There are two ways a person can be included in the Network: **as a practitioner member or as a partner/team member.**

Inclusion in the Network as a _practitioner member_: A practitioner member has the knowledge and experience to lead collaborative dispute resolution processes involving environmental, natural resource, and public/trust lands issues, where American Indians, Alaska Natives, Native Hawaiians, and federal agencies are primary parties. Practitioner members are the primary referral source for users seeking assistance. Individuals whose knowledge and experience match **_both element #1 and element #2_**, stated in the left-hand column of the following table, can be included in the Network as a practitioner member (element #3 is optional).

Inclusion in the Network as a _partner/team member_: A partner member is interested in working with practitioners. Opportunities for partner members include partnering/teaming with practitioners as well as skill and knowledge sharing/training. Individuals whose knowledge and experience match **_elements #1 or #2, and element #3_**, stated in the left-hand column of the following table, can be included in the Network as a partner member.

PLEASE NOTE: AS PART OF THE REFERRAL PROCESS, ALL OF THE MATERIALS YOU SUBMIT WILL BE PROVIDED TO THOSE SEEKING REFERRALS FROM THE NETWORK. PLEASE BE SURE TO INCLUDE YOUR COMPLETE CONTACT INFORMATION AND KEEP THE USERS IN MIND WHEN CREATING YOUR MATERIALS FOR SUBMISSION.

Required Elements for Being Included in the Network as a Practitioner Member (#1 <u>and</u> #2)	What Information to Provide	How to Provide Information
1. Demonstrated knowledge/experience (in any role or capacity) with issues pertaining to the environment, natural resources, or public/trust lands.	1. A description of "demonstrated knowledge/experience." For example, • Employment with an environmental or natural resources office or department • Formal education: degrees or training • Other environmental, natural resources, or public/trust lands life or work experience • Participation as a member of a party/group involved in environmental, natural resources, or public/trust lands issues • Recognition within the community as a person with wisdom about the earth or a steward of resources • An understanding of technical issues and the language of technical experts related to environmental, natural resources, or public/trust lands. **AND** 2. Contact information for <u>**one person**</u> who can serve as a reference.	1. Describe your knowledge/ experience in a letter or resume **AND** 2. Name and contact information (phone, email, regular mail address) of <u>**one person**</u> who can serve as a reference.

AND		

2. Experience resolving* disputes or conflicts where one or more of the participants were American Indian, Alaska Native, or Native Hawaiian using:
 	
  a. "Western" alternative dispute resolution methods; e.g. mediation, facilitation, and consensus-building and/or
 	
  b. Traditional dispute resolution methods; e.g. peacemaking, talking circles, Ho'oponopono.
 	
*Note: Experience as a representative of, or advocate for, a party or point of view does not satisfy this element
 	
Please refer to accompanying glossary for examples of the types of processes included.
	1. Description of relevant case(s), issue(s), dispute(s), situation(s) or other experience, and your role.
	
	AND
	
	2. Verification of experience (<u>for one of the situations or projects described</u>) by a tribal leader (such as a tribal court official, elder, chairperson, member of the business council or equivalent), by a Native or tribal organization, or by a person involved in a process where one or more of the participants were American Indian, Alaska Native, or Native Hawaiian.
		1. Paragraph-length descriptions of up to five (5) specific cases, issues, disputes, situations or other experience where one or more of the participants were American Indian, Alaska Native, or Native Hawaiian. Please also include your role. You may also provide a summary or general description of additional experience.
		
		AND
		
		2. The verification should be a written letter. Please contact the U.S. Institute if circumstances require a verbal verification.

Element #3 (Optional for Practitioner Members. Required for Partner Members with #1 or #2.)	**What Information to Provide**	**How to Provide Information**
Extensive work with American Indian, Alaska Native, or Native Hawaiian people or communities. Note: If you have this experience and #1 <u>or</u> #2 above (but not both #1 <u>and</u> #2) you can be included as a partner member.	1. Description of work with tribal governments, American Indian, Alaska Native, or Native Hawaiian people, communities or organizations; tribal or local community development efforts (other than work related to environmental, natural resources, or public/trust lands). 2. The name and contact information (phone, email, regular mail address) of **one person** who can serve as a reference regarding your experience.	1. Letter or resume describing the nature of your work. **AND** 2. The name and contact information (phone, email, regular mail address) of **one person** who can serve as a reference regarding your experience.

Additional optional information. If you wish you may also provide the following optional information:

- Tribe/Native community affiliation
- A list of tribes or Native communities with whom you have worked
- Conflict resolution training you have received or delivered
- Fees for your services
- Languages spoken

REVIEW AND SELECTION PROCESS FOR INCLUSION IN THE NETWORK:

U.S. Institute staff (Joan Calcagno and/or Sarah Palmer) will review all of the information you provide to determine if the knowledge/experience you describe matches the essential elements for inclusion. Staff will also review information to ensure that the requested reference(s) and the verification letter are included. As warranted, staff may also contact you and references to verify and/or seek clarification of information submitted.

NETWORK MEMBER RESPONSIBILITIES/CONDITIONS FOR INCLUSION:

Members of the Network using traditional dispute resolution methods are expected to be familiar with such methods and use them appropriately. Members using dispute resolution such as facilitation, mediation, consensus-building are expected to be familiar with and follow the *Model Standards of Conduct for Mediators* approved by the American Arbitration Association, the American Bar Association, and the Society for Professionals in Dispute Resolution (now the Association for Conflict Resolution). In addition, dispute resolution practitioners are expected to be familiar with and utilize the *Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes*. These documents can be found at:

http://www.acrnet.org/pdfs/original_model_standards.pdf and

http://acrnet.org/acrlibrary/more.php?id=13_0_1_0_M, respectively.

Please direct questions and submit materials (hardcopy or electronic) to:

> **Joan Calcagno**
> **U.S. Institute for Environmental Conflict Resolution**
> **130 South Scott Avenue**
> **Tucson, AZ 85701**
> **Phone: 520-670-5299, Ext. 19**
> **Email: nativenetwork@ecr.gov**

FREQUENTLY ASKED QUESTIONS
AND
GLOSSARY

FREQUENTLY ASKED QUESTIONS

BACKGROUND QUESTIONS

1. Who is included in the Network? Are all members of the Network American Indian, Alaska Native, or Native Hawaiian?

2. What is the status of the Network?

3. How does the Network operate? How do I get a referral from the Network?

4. Is there a fee to use, or be included in, the Network?

5. How was the Network developed?

6. Why does the Network focus just on environmental, natural resources, and public/trust lands issues and not other types of disputes? Will the focus be broader in the future?

7. Are cultural property and sacred sites considered in the scope of environmental issues for the Network?

QUESTIONS ABOUT BECOMING A NETWORK MEMBER

8. How can I be included in the Network?

9. What is the difference between the knowledge and experience of a practitioner member and a partner member?

10. Why are members divided into Practitioner and Partner categories?

11. Who can answer my questions about submitting materials? What is the deadline for submitting my materials?

12. What is the review and selection process for inclusion in the Network?

13. How will the materials I provide be used?

14. Does being included in the Network guarantee that I will receive conflict resolution work?

15. What are the responsibilities of Network members and conditions for inclusion?

16. Will the performance of a Network practitioner be evaluated?

17. I am currently a member of the Roster of ECR Practitioners operated by the U.S. Institute. Can I also be included in the Network?

18. Do I need to be a member of the Roster of ECR Practitioners in order to be included in the Network?

BACKGROUND QUESTIONS

1. Who is included in the Network? Are all members of the Network American Indian, Alaska Native, or Native Hawaiian?

Individuals who have served as dispute resolution providers using either traditional or western processes or a combination thereof and who have experience with or knowledge of natural resources, environmental, or public/trust land issues will be included in the Network. The specific qualifications and what information should be provided can be found in the section "*Becoming A Network Member*." Inclusion in the Network is based on knowledge and experience as stated in the elements. Individuals may be American Indian, Alaska Native, Native Hawaiian or of other backgrounds.

2. What is the status of the Network?

The Network was established in the summer of 2004, with 52 initial members. The Network continues to grow both in membership and use. Network development is ongoing.

3. How does the Network operate? How do I get a referral from the Network?

Simply call the U.S. Institute's Network Administrator, Joan Calcagno at 520.670.5299, email: *nativenetwork@ecr.gov* for a referral. The U.S. Institute will work with the referral requestor(s) to identify the types of skills and knowledge sought in a practitioner, or team of practitioners, and use that information to identify a group of Network members for the parties to consider. The search and referral can be supplemented from the Roster of ECR Practitioners, also operated by the U.S. Institute, as meets the needs of the parties in locating appropriate practitioners. The U.S. Institute can also provide assistance and guidance on selecting an appropriate neutral. Parties to an issue or dispute chose the dispute resolver.

4. Is there a fee to use or be included in the Network?

No. There is not a fee to use or be included in the Network.

5. How was the Network developed?

The U.S. Institute initiated the Network in response to input from a wide audience about the need for a mechanism to identify American Indian, Alaska Native, and Native Hawaiian dispute resolution practitioners who can assist in environmental conflict resolution processes involving Native governments, communities, and issues. The initial development of the Network was underwritten in part by the William and Flora Hewlett Foundation.

The direct involvement of American Indian, Alaska Native, and Native Hawaiian practitioners, government, and court representatives has been, and continues to be, essential to the successful development and growth of the Network. In developing the Network, the U.S. Institute sought input from individuals and organizations that provide and use ECR services. The U.S. Institute worked with a coordination team of 17 people, whose collective expertise and experience constitute the following:

- Dispute resolution experience with emphasis on environmental, natural resources and public lands issues.

- Experience in natural resource management and policy.

- Experience working with tribes and native peoples.

- Member of a Native American organization, government, or court, a Native American-focused academic program, or an employee of federal tribal projects or programs.

- Experience working with federal agencies.

The coordination team members also provided individual input to the U.S. Institute for use in developing the elements, as well as framework and strategy for identifying practitioners to be included in the Network.

6. Why does the Network focus just on environmental, natural resources, and public/trust lands issues and not other types of disputes? Will the focus be broader in the future?

Since the U.S. Institute is providing the staff time and resources to establish and operate the Network, current efforts must be consistent with the U.S. Institute's mission to address environmental, natural resources, and public lands issues where a federal agency or interest is involved. Contingent on funding and future partnerships, it is the U.S. Institute's hope that the focus of the Network be broader in the future. To that end, the U.S. Institute has developed a two-phased approach to establishing the Network. Phase one, in which the U.S. Institute is the primary lead, will focus on identifying American Indian, Alaska Native, Native Hawaiian, and other dispute resolution practitioners who work with tribes and federal agencies in the resolution of disputes pertaining to environmental, natural resources, or public/trust lands issues. Phase two of the Network could involve the identification of dispute resolution practitioners who resolve conflicts between and/or within tribes and may extend beyond environmental, natural resources, and public/trust lands issues. The initiation of phase two is contingent upon: sufficient development of phase one, an expressed need and interest by tribes and Native American organizations, and the identification and commitment of such entities to take the lead in phase two.

7. Are cultural property and sacred sites considered in the scope of environmental issues for the Network?

Yes. Historic and cultural property, as well as sacred sites, to the extent they involve the environmental, natural resources, or public lands are relevant to the Network. Experience in these issues can be used to meet the elements for inclusion in the Network.

QUESTIONS ABOUT BECOMING A NETWORK MEMBER

8. How can I be included in the Network?

Individuals interested in being included in the Network should refer to the "*Becoming a Network Member*" section to learn what information must be provided.

9. What is the difference between the knowledge and experience of a practitioner member and a partner member?

A **practitioner member** has the knowledge and experience to lead a collaborative dispute resolution process involving environmental, natural resource, and public/trust lands issues, where American Indians, Alaska Natives, Native Hawaiians, and federal agencies are primary parties. Practitioner members are the primary referral source for users seeking assistance. Individuals whose knowledge and experience match ***both element #1 and element #2***, stated in the "*Becoming A Network Member*" section, can be included the Network as a practitioner member.

Partner/team members are interested in working with practitioners and/or skills sharing opportunities. Opportunities for partner members include partnering/teaming with practitioners as well as skill and knowledge sharing/training. Individuals whose knowledge and experience meet ***elements #1 or #2, and element #3***, as outlined in the section *"Becoming a Network Member,"* can be included in the Network as partner members.

10. Why are members divided into categories?

The coordination team workgroup initially was focused on providing feedback that would allow us to identify practitioners for the Network who could lead conflict/dispute resolution processes where Native people/communities and federal agency staff were primary participants. During the process of formulating and articulating experience for Network members it became apparent that:

- o   there would likely be others who had valuable experience and knowledge, were interested in dispute/conflict resolution where Native people/communities are involved, and may want to be included in the Network;

- o   others may want to identify individuals with such experience/knowledge and interest; and

- o   including these additional individuals supported the purposes of the Network.

Thus, individuals on the coordination team workgroup suggested the "partner" status be created.

The Network is designed to encourage teaming and partnerships between Network members, and other practitioners; the categories allow members to easily identify each other for teaming on projects and "mentoring/cross-learning" in general.

11. Who can answer my questions about submitting materials? What is the deadline for submitting my materials?

Direct your questions and submit materials (hardcopy or electronic) to:

> **Joan Calcagno**
> **U.S. Institute for Environmental Conflict Resolution**
> **130 South Scott Avenue**
> **Tucson, AZ 85701**
> **Phone: 520-670-5299, Ext. 19**
> **Email: nativenetwork@ecr.gov**

You can submit your materials at any time. Acceptance and review of materials is ongoing and continuous.

12. What is the review and selection process for inclusion in the Network?

U.S. Institute staff (Joan Calcagno and/or Sarah Palmer) will review all of the information provided to determine if the knowledge/experience you describe matches the elements for inclusion set out in "*Becoming A Network Member*." Staff will also review information to ensure that the requested reference(s) and the verification are included. As warranted, staff may also contact you and references to verify and/or seek clarification of information submitted.

13. How will the information I provide be used?

The materials you submit will be provided to those seeking referrals or partners from the Network when the materials match the needs of those seeking assistance. Therefore, it is important to keep the users in mind when creating your materials for submission.

14. Does being included in the Network guarantee that I will receive conflict resolution work?

No. Being included in the Network does not guarantee work. Parties/process participants are free to choose a practitioner to assist them from any source.

15. What are the responsibilities of Network members and conditions for inclusion?

Members of the Network using traditional dispute resolution methods are expected to be familiar with such methods and use them appropriately. Members using dispute resolution such as facilitation, mediation, and consensus-building are expected to be familiar with and follow the *Model Standards of Conduct for Mediators* approved by the American Arbitration Association, the American Bar Association, and the Society for Professionals in Dispute Resolution (now the Association for Conflict Resolution). In addition, dispute resolution practitioners are expected to be familiar with and utilize the *Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes*. These documents can be found at:

 http://www.acrnet.org/pdfs/original_model_standards.pdf and

http://acrnet.org/acrlibrary/more.php?id=13_0_1_0_M, respectively.

16. Will the performance of a Network practitioner be evaluated?

The U.S. Institute has a system to evaluate assessment and environmental conflict resolution processes in which the U.S. Institute staff is directly involved. The performance of practitioners is not directly evaluated as part of this evaluation system and the performance of Network practitioners will also not be evaluated. The U.S. Institute evaluates the Roster of ECR Practitioners program.

See http://www.ecr.gov/multiagency/program_eval.htm for information about this evaluation system. The U.S. Institute is exploring whether and how the evaluation system for the Roster of ECR Practitioners can be modified to gather feedback about the Network.

17. I am currently a member of the Roster of ECR Practitioners operated by the U.S. Institute. May I also be included in the Network?

Yes. Any member of the Roster of ECR Practitioners whose experience matches the Network elements may be included in the Network and must submit the information set out in the section "*Becoming a Network Member*." You may indicate your roster member status in the general description of experience in essential element number 2 (see "*Becoming a Network Member*").

18. Do I need to be a member of the Roster of ECR Practitioners in order to be included in the Network?

No. Anyone whose experience meets the elements for inclusion in the Network need only submit the information set out in the "Becoming a Network Member." Network members who would like to become members of the Roster of ECR Practitioners must meet the qualifications for the roster and complete the on-line roster application. See http://www.ecr.gov/roster.htm.

GLOSSARY

ALTERNATIVE DISPUTE RESOLUTION

A class of dispute resolution mechanisms outside of traditional adjudicative processes. Primary processes include assisted negotiation, mediation, consensus-building. An impartial third party may be called upon to assist the parties in developing and implementing an appropriate process for the specific circumstances and skill sets of the parties.

COLLABORATION
Literally: "to labor together"

A process in which two or more entities work together to achieve their independent and collective interests through a joint problem solving process. Critical elements of collaboration include: all affected interests and points of view are represented; open and frequent communication is maintained; shared vision and clear obtainable goals and objectives are articulated; mutual respect, understanding, and trust are fostered; essential decision makers are engaged; there are clear roles, responsibilities and authorities for each participant; participants share a stake in the process and the outcome.

CONSENSUS BUILDING

Consensus building describes a number of collaborative decision-making techniques in which a facilitator or mediator is used to assist diverse or competing interest groups to reach agreement on policy matters, environmental conflicts, or other issues in controversy affecting a large number of people. Consensus building processes are typically used to foster dialogue, clarify areas of agreement and disagreement, improve the information on which a decision may be based, and resolve controversial issues in ways that all interests find acceptable. Consensus building typically involves structured (yet relatively informal), face-to-face interaction among representatives of stakeholder groups with a goal of gaining early participation from affected interests with differing viewpoints, producing sound policies with a wide range of support, and reducing the likelihood of subsequent disagreements or legal challenges.

ENVIRONMENTAL CONFLICT RESOLUTION

Any alternative dispute resolution method or process of resolving environmental, natural resources, public lands disputes that allow interested and affected parties (governmental and nongovernmental) to work together to craft broadly supported solutions to shared problems. Many ECR processes are voluntary and involve some form of consensus building, collaborative problem solving, or negotiation.

Facilitation

Facilitation is a collaborative process in which a neutral seeks to assist a group of individuals or other parties to discuss constructively a number of complex, potentially controversial issues. The facilitator typically works with participants before and during these discussions to assure that appropriate persons are at the table, help the parties set and enforce ground rules and agendas, assist parties to communicate effectively, and help the participants keep on track in working toward their goals. The neutral in a facilitation process (the "facilitator") usually plays a less active role than a mediator and, unlike a mediator, often does not see "resolution" as a goal of his or her work.

HOʼ OPONOPONO

Ho'o = causative verb : "to make something happen"

Pono = "right"

Ponopono = reduplication: "completely right"

Ho'oponopono is an ancient Native Hawaiian conflict resolution practice in use today principally for resolution of family problems and in some cases, illnesses. However, key Ho'oponopono elements can be successfully used for community and environmental disputes as well. Ho'oponopono is setting matters right, correcting and restoring relationships. This is accomplished through prayer, discussion, confession, apology, forgiveness and perhaps most importantly, release.

Ho'oponopono requires:

- A spiritual commitment and foundation by all parties.

- Commitment must be by all parties to the Ho'oponopono process. Moreover, it requires commitment to the result before the result is attained or conceived.
- Total confidentiality. No consent can be given to waive that confidentiality.

- Self-Scrutiny. Ho'oponopono begins and ends with introspection, examination of self. It is not a presentation of facts, or "evidence". It is not inspection of others, nor finger pointing.

- Absolute Truth. Ho'oponopono requires, "the truth, the whole truth and nothing but the truth", given freely and sincerely.
- Aloha/Respect for each other. Ho'oponopono begins with some measure of mutual Aloha and Respect. By its ending, these attributes will have grown immeasurably.

- Respect for the Haku (leader/facilitator/coach/arbitrator). Ho'oponopono requires the Haku to conduct thorough and often multiple interviews with all of the parties before Ho'oponopono begins. This "due diligence" by the Haku guides the questions used by the Haku to ferret out the truth from each individual who may not speak to each other but must ONLY speak to the Haku unless otherwise given permission by the Haku.

- Acceptance of the result from the start. The results are binding. There is no appeal.

- Ho'oponopono requires all the parties to speak for themselves. No representatives, including attorneys, are permitted.

MEDIATION

Mediation is facilitated negotiation in which a skilled, impartial third party seeks to enhance negotiations between parties to a conflict or their representatives by improving communication, identifying interests, and exploring possibilities for a mutually agreeable resolution. The disputants remain responsible for negotiating a settlement, and the mediator lacks power to impose any solution; the mediator's role is to assist the process in ways acceptable to the parties. Typically this involves supervising the bargaining, helping the disputants to find areas of common ground and to understand their alternatives, helping to explore possible solutions, and helping parties draft a final settlement agreement.

PEACEMAKING: *Description under development*

TALKING CIRCLES

Talking circles can vary depending on the setting and nature of the conflict presented. Typically circles create a place where parties can address the issue with truth, mercy, justice and peace where difficult and damaging issues created by offending behavior can be lifted and people enter into dialogue leading toward understanding and building or reparation of relationships. People learn to sit together in ways that honor each other, that are inclusive, respect all who are there, that value the wisdom of all, and that invite full participation. The talking circle is very powerful for communication and building trust with one another in the group.

The circle allows everyone to say what is on his or her mind in a constructive way and is a useful process for resolving disagreements, miscommunication, misunderstanding, and hurt feelings. The process helps the healing among the people so they can get back to carrying out their responsibility. When the leader or elder speaks on a subject, they help the group build self-esteem for others to follow. When used for Peacemaking, the Peacemaker has to listen carefully in order to be able to understand and accurately describe each speaker's perspectives to help bring about a shared understanding. An example of a talking circle used by one tribe follows.

- Chairs are placed in circle so everyone can see everyone.
- Leader of group determines the content and sets the tone of the session for the listeners.
- Open with smudge, opening words of thanks and welcome.
- Leader begins by shaking hands with person to left, then next person everyone is greeted and ends up in same place as started. Everyone follows suit like folding and unfolding a chain.
- After connection is completed, the leader or elder shares honesty and feelings with the group. Everyone will have opportunity to follow suit.
- Group is given responsibility to listen without comment or interruption.
- Group shows respect for person speaking by listening.
- No one replies to what is being said.
- No one gets up and leaves while someone is speaking.
- Everyone in the group is equal.
- A stone, or Eagle feather, or sweet grass, or something from Mother Earth is often used to help person speaking make connection.
- As we listen to those around us talking in an honest way, we learn trust.
- Sometimes it is difficult to speak the first time in the circle.